

should refer to: In the Matter of Torch Lake Superfund Site.

**FOR FURTHER INFORMATION CONTACT:** Beth Reiner, Office of Superfund, Mail Code SR-6J, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, 312/353-6576.

**SUPPLEMENTARY INFORMATION:** The Torch Lake Superfund Site is located on the Upper Peninsula of Michigan in Houghton County. Copper milling and smelting operations occurred at the site for over 100 years. By the late 1960s milling operations in the Torch Lake area had ceased. In 1984 the Site was proposed for the National Priorities List (NPL) and in 1986 the Site was placed on the NPL. The Risk Assessment concluded there was no unacceptable risk to human health from the stampsands. However, the benthic community in the sediment of Torch Lake had been adversely affected and was not recovering. Two Records of Decision (ROD) were issued for the Site. The ROD for Operable Units (OU) I and III, which addressed all land covered with stampsands, was issued on 9/30/92 and called for deed restrictions, soil cover and vegetation of stampsands. The OU II ROD, which addressed only Torch Lake itself, was issued on 3/31/94 and called for no action on Torch Lake itself.

Quincy Development Corp. (QDC) was identified by U.S. EPA as a Potentially Responsible Party (PRP) for cleanup costs at the Site. They are the current owner of approximately 390 acres of OUI land. Lakeshore Estates Associates, Inc. (Lakeshore), a developer, is interested in purchasing approximately 197 acres of land currently owned by QDC which is part of the Torch Lake Superfund Site.

In consideration of and in exchange for the United States' Covenant Not to Sue in the Prospective Purchaser Agreement, Lakeshore agrees to:

(1) Provide roads from the public roadway to the borrow areas on Lakeshore's property and a road from the borrow areas to the isthmus in Torch Lake (where the Mason Sands almost connect to the eastern shore of Torch Lake) and/or any other roads required to allow U.S. EPA to access Lakeshore's property in order to excavate soils and truck them off Lakeshore's property;

(2) Clear of trees and brush a minimum of 25 acres of land to allow U.S. EPA to excavate the soils (to a depth of approximately 6 to 8 feet) for use as cover material as required by the Record of Decision;

(3) Grant U.S. EPA and its representatives access (for an estimated 3 years from the start of the remedial

action) to the roads and borrow areas on Lakeshore's property to remove up to 241,000 cubic yards of soil; and

(4) Maintain the soil cover and vegetation over the stampsands on property Lakeshore will purchase from Quincy.

The Superfund liability associated with the QDC land currently prevents the beneficial re-use of the property. In the absence of an agreement which resolves this liability, no redevelopment is

The Environmental Protection Agency will receive written comments relating to this agreement for thirty days from the date of publication of this notice.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 *et seq.*

William E. Muno,

*Director, Superfund Division.*

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[FRL-5678-9]

### **Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity to Comment Regarding the City of Sedalia, Missouri**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed administrative penalty assessment and opportunity to comment regarding the city of Sedalia, Missouri.

**SUMMARY:** The EPA is providing notice of a proposed administrative penalty assessment for alleged violations of the Clean Water Act ("Act"). The EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. The EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. The EPA provides the public notice of the proposed assessment pursuant to 33 U.S.C. 1319(g)(4)(A).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22. The procedures by which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. The deadline

for submitting public comment on a proposed Class II order is thirty (30) days after issuance of this public notice.

On November 22, 1996, EPA commenced the following Class II proceeding for the assessment of penalties by filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7630, the following Complaint:

*In the Matter of the City of Sedalia, Missouri*, EPA Docket No. VII-97-W-0003.

The Complaint proposes a penalty of Sixty-Five Thousand Dollars (\$65,000) for failure to comply with the Pretreatment implementation requirements of its National Pollutant Discharge Elimination System (NPDES) permit.

### **FOR FURTHER INFORMATION CONTACT:**

Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaint or other documents filed in this proceeding, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing Clerk identified above.

The administrative record for the proceeding is located in the EPA Regional Office at the address stated above, and the file will be open for public inspection during normal business hours. All information submitted by the city of Sedalia, Missouri, is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comment, EPA will issue no final order assessing a penalty in this proceeding prior to thirty (30) days from the date of this notice.

Dated: December 18, 1996.

Dennis Grams,

*Regional Administrator.*

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## **FEDERAL DEPOSIT INSURANCE CORPORATION**

### **Sunshine Act Meeting**

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will